REMARKS

Claims 1-11 are pending in this application. No claims have been amended in response to the instant office action.

REJECTIONS UNDER 35 U.S.C. § 102

Reconsideration is respectfully requested of the rejection of claims 1-5 and 7 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Pub. No 2004/0239837 ("Hong").

Claim 1 recites, *inter alia*, that "a ratio of horizontal to vertical of each pixel is substantially equal to 2:3."

The Examiner admits that Hong does not specifically teach that the ratio of horizontal to vertical of each pixel is substantially equal to 2:3, and states that Hong discloses the ratio since Fig. 1 of Hong is substantially similar to Fig. 1 of the instant application.

Applicants respectfully disagree with the Examiner.

M.P.E.P. Section 2125 states, in pertinent part:

> When the reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value. (citing Hockerson-Halberstadt, Inc. v. Avia Group Int'l, 222 F.3d 951, 956, 55 USPQ2d 1487, 1491 (Fed. Cir. 2000), which states that "it is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue.")

M.P.E.P. § 2125 (Rev. 8/06)

Applicants respectfully submit that the Examiner is not permitted to rely on Figure 1 in Hong to conclude that Hong discloses the claimed 2:3 ratio. In connection with these features, Hong is silent as to the dimensions of the drawings and does not state

that the drawings are to scale. Accordingly, Fig. 1 in Hong may not be relied on to show the claimed relationship between horizontal and vertical of each pixel.

Therefore, for at least the above reason, Applicants maintain that claim 1 is not anticipated by the cited reference.

Further, for at least the reason that claims 2-5 and 7 depend from claim 1, claims 2-5 and 7 are also submitted not to be anticipated by the cited reference.

As such, Applicants request that the Examiner withdraw the rejections of claims 1-5 and 7 under 35 U.S.C. § 102(e).

REJECTIONS UNDER 35 U.SC. § 103

Reconsideration is respectfully requested of the rejection of (1) claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Hong; and (2) claims 6, 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Hong, as applied to claims 1 and 8, in view of U.S. Patent No. 6,614,492 ("Song").

2:3 Ratio

Like claim 1, claim 8 also recites that "a ratio of horizontal to vertical of each pixel is equal to 2:3".

As stated above, in connection with claim 1, Applicants respectfully submit that the Examiner is not permitted to rely on Figure 1 in Hong to conclude that Hong discloses the claimed 2:3 ratio. Further, Song does not cure the deficiency in Hong.

Accordingly, for at least this reason, Applicants submit that claims 1 and 8 are patentable over Hong, and over Hong in view of Song.

For at least the reason that claim 6 depends from claim 1, and claims 9 and 10 depend from claim 8, claims 1 and 9 and 10, are also submitted to be patentable over

the cited references.

Accordingly, for at least the above reason, Applicants request that the rejections of claims 6 and 8-10 under 35 U.S.C. § 103(a) be withdrawn.

Section 103(c)

Applicants respectfully submit that that rejections of claims 6, and 8-10 are legally deficient because under 35 U.S.C. § 103(c), Hong is not available as prior art in this situation. More specifically, section 103(c) states that commonly assigned applications that are available as prior art under 35 U.S.C. § 102(e), (f) or (g) are no longer applicable as prior art to the claimed invention in an obviousness rejection. In particular, 35 U.S.C. § 103(c) states:

> Subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Further, as set forth in MPEP 706.02(l)(1), for applications filed on or after November 29, 1999, subject matter that was 35 U.S.C. § 102(e) prior art under former 35 U.S.C. § 103 is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Here, the provisions of 35 U.S.C. § 103(c) are applicable to disqualify the Hong reference as prior art for the rejection of claims 6 and 8-10 under 35 U.S.C. § 103(a).

First, Hong is available as prior art to the present application only under 35 U.S.C. § 102(e).

Secondly, the instant application was filed after November 29, 1999.

Thirdly, for purposes of common ownership, the current application and the Hong reference were, at the time the invention of the instant application was made, owned by the same entity, Samsung Electronics Co., Ltd.

Therefore, section 103(c) is applicable and the Examiner cannot rely on Hong to support the current claim rejections under 35 U.S.C. § 103(a). Accordingly, the claim rejections under 35 U.S.C. § 103(a) are legally deficient on their face and, consequently, must be withdrawn.

As such, for at least this reason, Applicants request that the Examiner withdraw the rejections of claims 6 and 8-10 under 35 U.S.C. § 103(a).

Claim 11

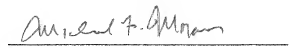
Applicants note that the Examiner has not specified grounds for rejection of claim 11, and submit that claim 11 is in condition for allowance. Further, for at least the same reasons given above for the patentability of claim 8, claim 11, which depends from claim 8, is also submitted to be patentable over the cited references.

DEPENDENT CLAIMS

Applicants have not independently addressed the rejections of all the dependent claims because Applicants submit that for at least similar reasons as why the independent claims from which the dependent claims depend are believed allowable as discussed, supra, the dependent claims are also allowable. Applicants however, reserve the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicant's Attorney to reach a prompt disposition of this application.

Respectfully submitted,



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